

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**IN THE MATTER OF THE  
COMPLAINT OF TERRY BURGESS  
AND MARY KAY BURGESS  
AS OWNERS OF OUR TURN AGAIN  
(HULL I.D. CDRP0008H495)  
FOR EXONERATION FROM OR  
LIMITATION OF LIABILITY**

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**Civil Action No. 3:18cv00025**

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**FINAL DECREE OF EXONERATION**

A Verified Complaint having been filed herein Plaintiffs Terry Burgess and Mary Kay Burgess, as owners of M/V Our Turn Again (hull i.d. CDRP0008H495), praying for exoneration from, or limitation of, liability for losses, damages, or destruction caused by or resulting from a fire that occurred on August 14, 2017 at the Cedar Point Marina in Sandusky, Ohio as more fully described in the Verified Complaint (the “Incident”);

AND the Court on January 31, 2018 having entered a Restraining Order and Order for Issuance of Notice That Claims Be Filed (“Restraining Order”), and the Clerk having entered a Notice of Complaint for Exoneration From Or Limitation of Liability requiring all persons claiming damages for any and all losses, damages, injuries or destruction arising out of or resulting from the aforesaid incident to appear before the Court and file their respective claims in writing with the Clerk of the Court, and to serve copies thereof on the attorneys for the Plaintiffs, and to answer the allegations of the Verified Complaint on or before March 30 2018;

AND notice of this deadline and its requirements, as issued by the Clerk of the Court, having been duly given as required by law and by practice of this Honorable

Court, and copies having been duly served in the mail in accordance with the terms of the Restraining Order, all of which appears from affidavits heretofore filed;

AND the time for all persons and corporations to present claims and to answer the said Verified Complaint having expired and this Court having entered an Order Noting Defaults of all persons and corporations whose claims had not heretofore been presented and barring all further claims;

AND it appearing that the following claims have been filed in this action:

1. Edward W. Rhode, III
2. Cincinnati Insurance Company, as subrogee of Edward W. Rhode III
3. Geico Marine Insurance Company, as subrogee of Cyril and Susan Pugh and Jeff Raymond
4. William Aichele
5. James Hayas and State Farm Fire & Casualty Company
6. Progressive Insurance Company and Timothy Kalentrides
7. Sean Kennedy
8. Cedar Point Marina;

AND it appearing that all matters in contest herein have been resolved and that all Claims and Answers herein are to be dismissed with prejudice and that no person, firm or corporation remains herein as a claimant and that, therefore, Plaintiffs can have no responsibility for the loss;

**NOW, THEREFORE**, it is:

**ORDERED, ADJUDGED AND DECREED** that the Incident described in the petition was not caused by the design or neglect of Terry Burgess, Mary Kay Burgess,

M/V Our Turn Again or those in charge of her, and did not occur with the privity or knowledge of Terry Burgess or Mary Kay Burgess and that Terry Burgess, Mary Kay Burgess, their successors, and M/V Our Turn Again be and they hereby are forever exonerated and discharged from liability for any and all loss, damage, destruction, or injury arising from, resulting from or relating to said Incident; and it is

**FURTHER ORDERED, ADJUDGED AND DECREED** that all persons and corporations having or claiming to have sustained any loss, destruction, damage or injury by reason of, in connection with or arising out of the Incident be and they hereby are, perpetually enjoined and restrained from instituting or prosecuting in any manner whatsoever, in this or in any other proceeding, suit or action, in any court or in any country, any claim, action, suit or proceeding whatsoever against Terry Burgess, Mary Kay Burgess, their successors, M/V Our Turn Again or against any other vessel or property of the Terry Burgess or Mary Kay Burgess or their successors; and it is

**FURTHER ORDERED, ADJUDGED AND DECREED** that all stipulations for value and costs filed by Plaintiffs or by any other party herein be, and they hereby are, cancelled and discharged of record.

/s/ James G. Carr

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The Honorable James G. Carr  
Sr. District Judge